

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 23-1483 MLG

SERAPHINE WARREN-BEGAY, et al,

Defendants.

**SERAPHINE WARREN-BEGAY’S UNOPPOSED MOTION TO AMEND CONDITIONS  
OF RELEASE TO ALLOW CONTACT WITH HER HUSBAND, ORLANDO BEGAY**

Seraphine Warren-Begaye, through her counsel, Justine Fox-Young, hereby moves the Court to permit her to have contact and communications with her co-defendant, Orlando Begay.

1. Ms. Warren-Begay was arrested on October 25, 2023 in the District of Utah based on a warrant issued in this district. She is charged with one count of kidnapping and aiding and abetting contrary to 18 U.S.C. 1201(a)(1) and one count of conspiracy to commit kidnapping contrary to 18 U.S.C. 1201(c). *See Docs. 2, 42.*

2. Ms. Warren-Begay was released from custody on conditions on October 26, 2023. The Court’s conditions include that she “avoid all contact, directly or indirectly, with any person who is or may be an alleged victim, potential witness and/or codefendant in the investigation or prosecution.” *See Doc. 40 at 2.*

3. Among the co-defendants in the case is Ms. Warren-Begay’s husband, Orlando Begay.

4. Pursuant to their respective conditions of release, Ms. Warren-Begay’s sister and her husband, the Bekay co-defendants, who are married, are required to “avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution,

including: co-defendants” with the exception that the Bekays may have contact with one another but may not discuss the case. *See* Docs. 24, 25.

5. For all of the above reasons, Ms. Warren-Begay respectfully requests that the Court amend her conditions of release to provide that she may have contact with her husband, Orlando Begay, with the proviso that she be restricted from discussing this case with Mr. Begay.

6. It is not clear that a magistrate judge in this district may alter the conditions of release imposed on Ms. Warren-Begay in the Utah magistrate judge’s release order; however, the district court certainly may do so as it possesses the “ultimate decision-making power and continuing jurisdiction over the actions of magistrate judge.” *See United States v. Cisneros*, 328 F.3d 610, 616 (10th Cir. 2003) (holding that, at least in the context of reviews and appeals of §3145 release and detention orders, the magistrate acts subsidiary to and only in aid of the district court and has no authority to rule on a party’s motion to revoke another magistrate judge’s release order.)

7. The Government, through Assistant United States Attorney Matthew McGinley, has indicated it does not oppose this motion or the relief requested herein.

8. Counsel for co-defendants Begay and Bekay have indicated their non-opposition to this motion.

**WHEREFORE**, Defendant Seraphine Warren-Begay respectfully requests that the Court permit her to have contact and communications with her husband Orlando Begay, with the proviso that the defendants are not permitted to discuss this case.

Respectfully submitted,

JUSTINE FOX-YOUNG, P.C.

/s/ Justine Fox-Young

Justine Fox-Young

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading was served to all interested parties via the CM/ECF system on this 10<sup>th</sup> day of January, 2024.

/s/ electronically filed

Justine Fox-Young